



Sen. Pamela J. Althoff

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1 AMENDMENT TO SENATE BILL 2417

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2417, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Electronic Products Recycling and Reuse Act  
6 is amended by changing Section 30 and by adding Section 57 as  
7 follows:

8 (415 ILCS 150/30)

9 Sec. 30. Manufacturer responsibilities.

10 (a) Prior to April 1, 2009 for the first program year, and  
11 by October 1 for program year 2011 and each program year  
12 thereafter, manufacturers who sell computers, computer  
13 monitors, printers, televisions, electronic keyboards,  
14 facsimile machines, videocassette recorders, portable digital  
15 music players, digital video disc players, video game consoles,  
16 electronic mice, scanners, digital converter boxes, cable

1 receivers, satellite receivers, digital video disc recorders,  
2 or small-scale servers in this State must register with the  
3 Agency. The registration must be submitted in the form and  
4 manner required by the Agency. The registration must include,  
5 without limitation, all of the following:

6 (1) a list of all of the manufacturer's brands of  
7 computers, computer monitors, printers, televisions,  
8 electronic keyboards, facsimile machines, videocassette  
9 recorders, portable digital music players, digital video  
10 disc players, video game consoles, electronic mice,  
11 scanners, digital converter boxes, cable receivers,  
12 satellite receivers, digital video disc recorders, and  
13 small-scale servers to be offered for sale in the next  
14 program year;

15 (2) (blank); and

16 (3) a statement disclosing whether any of the  
17 manufacturer's computers, computer monitors, printers,  
18 televisions, electronic keyboards, facsimile machines,  
19 videocassette recorders, portable digital music players,  
20 digital video disc players, video game consoles,  
21 electronic mice, scanners, digital converter boxes, cable  
22 receivers, satellite receivers, digital video disc  
23 recorders, or small-scale servers sold in this State exceed  
24 the maximum concentration values established for lead,  
25 mercury, cadmium, hexavalent chromium, polybrominated  
26 biphenyls (PBBs), and polybrominated diphenyl ethers

1 (PBDEEs) under the RoHS (restricting the use of certain  
2 hazardous substances in electrical and electronic  
3 equipment) Directive 2002/95/EC of the European Parliament  
4 and Council and any amendments thereto and, if so, an  
5 identification of the aforementioned electronic device  
6 that exceeds the directive.

7 If, during the program year, any of the manufacturer's  
8 aforementioned electronic devices are sold or offered for sale  
9 in Illinois under a new brand that is not listed in the  
10 manufacturer's registration, then, within 30 days after the  
11 first sale or offer for sale under the new brand, the  
12 manufacturer must amend its registration to add the new brand.

13 (b) Prior to July 1, 2009 for the first program year, and  
14 by the November 1 preceding program years 2011 and later, all  
15 manufacturers whose computers, computer monitors, printers,  
16 televisions, electronic keyboards, facsimile machines,  
17 videocassette recorders, portable digital music players,  
18 digital video disc players, video game consoles, electronic  
19 mice, scanners, digital converter boxes, cable receivers,  
20 satellite receivers, digital video disc recorders, or  
21 small-scale servers are offered for sale in the State shall  
22 submit to the Agency, at an address prescribed by the Agency,  
23 the registration fee for the next program year. The  
24 registration fee for program year 2010 is \$5,000. The  
25 registration fee for program year 2011 is \$5,000, increased by  
26 the applicable inflation factor as described below. In program

1 year 2012, if, in program year 2011, a manufacturer sold 250 or  
2 fewer of the aforementioned electronic devices in the State,  
3 then the registration fee for that manufacturer is \$1,250. In  
4 each program year after 2012, if, in the preceding program  
5 year, a manufacturer sold 250 or fewer of the aforementioned  
6 electronic devices in the State, then the registration fee is  
7 the fee that applied in the previous year to manufacturers that  
8 sold that number of the aforementioned electronic devices,  
9 increased by the applicable inflation factor as described  
10 below. In program year 2012, if, in the preceding program year  
11 a manufacturer sold 251 or more of the aforementioned  
12 electronic devices in the State, then the registration fee for  
13 that manufacturer is \$5,000. In each program year after 2012,  
14 if, in the preceding program year, a manufacturer sold 251 or  
15 more of the aforementioned electronic devices in the State,  
16 then the registration fee is the fee that applied in the  
17 previous year to manufacturers that sold that number of the  
18 aforementioned electronic devices, increased by the applicable  
19 inflation factor as described below. For program year 2011,  
20 program year 2013, and each program year thereafter, the  
21 applicable registration fee is increased each year by an  
22 inflation factor determined by the annual Implicit Price  
23 Deflator for Gross National Product, as published by the U.S.  
24 Department of Commerce in its Survey of Current Business. The  
25 inflation factor must be calculated each year by dividing the  
26 latest published annual Implicit Price Deflator for Gross

1 National Product by the annual Implicit Price Deflator for  
2 Gross National Product for the previous year. The inflation  
3 factor must be rounded to the nearest 1/100th, and the  
4 resulting registration fee must be rounded to the nearest whole  
5 dollar. No later than October 1 of each program year, the  
6 Agency shall post on its website the registration fee for the  
7 next program year.

8 (c) A manufacturer whose computers, computer monitors,  
9 printers, televisions, electronic keyboards, facsimile  
10 machines, videocassette recorders, portable digital music  
11 players, digital video disc players, video game consoles,  
12 electronic mice, scanners, digital converter boxes, cable  
13 receivers, satellite receivers, digital video disc recorders,  
14 or small-scale servers are sold or offered for sale in this  
15 State on or after January 1 of a program year must register  
16 with the Agency within 30 days after the first sale or offer  
17 for sale in accordance with subsection (a) of this Section and  
18 submit the registration fee required under subsection (b) of  
19 this Section prior to the aforementioned electronic devices  
20 being sold or offered for sale.

21 (d) Each manufacturer shall recycle or process for reuse  
22 CEDs and EEDs whose total weight equals or exceeds the  
23 manufacturer's individual recycling and reuse goal set forth in  
24 Section 15 of this Act. ~~Individual consumers shall not be~~  
25 ~~charged a fee when bringing their CEDs and EEDs to collection~~  
26 ~~locations, unless a financial incentive of equal or greater~~

1 ~~value, such as a coupon, is provided. Collectors may charge a~~  
2 ~~fee for premium services such as curbside collection, home~~  
3 ~~pick-up, or a similar method of collection.~~

4 When determining whether a manufacturer has met or exceeded  
5 its individual recycling and reuse goal set forth in Section 15  
6 of this Act, all of the following adjustments must be made:

7 (1) The total weight of CEDs processed by the  
8 manufacturer, its recyclers, or its refurbishers for reuse  
9 is doubled.

10 (2) The total weight of CEDs is tripled if they are  
11 donated for reuse by the manufacturer to a primary or  
12 secondary public education institution the majority of  
13 whose students are considered low income or  
14 developmentally disabled or to low-income children or  
15 families or to assist the developmentally disabled in  
16 Illinois. This subsection applies only to CEDs for which  
17 the manufacturer has received a written confirmation that  
18 the recipient has accepted the donation. Copies of all  
19 written confirmations must be submitted in the annual  
20 report required under Section 30.

21 (3) The total weight of CEDs collected by manufacturers  
22 free of charge in underserved counties is doubled. This  
23 subsection applies only to CEDs that are documented by  
24 collectors as being collected or received free of charge in  
25 underserved counties. This documentation must include,  
26 without limitation, the date and location of collection or

1 receipt, the weight of the CEDs collected or received, and  
2 an acknowledgement by the collector that the CEDs were  
3 collected or received free of charge. Copies of the  
4 documentation must be submitted in the annual report  
5 required under subsection (h), (i), (j), (k), or (l) of  
6 Section 30.

7 (4) If an entity (i) collects, recycles, or refurbishes  
8 CEDs for a manufacturer, (ii) qualifies for non-profit  
9 status under Section 501(c)(3) of the Internal Revenue Code  
10 of 1986, and (iii) at least 75% of its employees are  
11 developmentally disabled, then the total weight of CEDs  
12 will be tripled. A manufacturer that uses such a recycler  
13 or refurbisher shall submit documentation in the annual  
14 report required under Section 30 identifying the name,  
15 location, and length of service of the entity that  
16 qualifies for credit under this subsection.

17 (e) (Blank).

18 (f) Manufacturers shall ensure that only recyclers and  
19 refurbishers that have registered with the Agency are used to  
20 meet the individual recycling and reuse goals set forth in this  
21 Act.

22 (g) Manufacturers shall ensure that the recyclers and  
23 refurbishers used to meet the individual recycling and reuse  
24 goals set forth in this Act shall, at a minimum, comply with  
25 the standards set forth under subsection (d) of Section 50 of  
26 this Act. By November 1, 2011 and every November 1 thereafter,

1 manufacturers shall submit a document, as prescribed by the  
2 Agency, listing each registered recycler and refurbisher that  
3 will be used to meet the manufacturer's annual CED recycling  
4 and reuse goal and certifying that those recyclers or  
5 refurbishers comply with the standards set forth in subsection  
6 (d) of Section 50.

7 (h) By September 1, 2012 and every September 1 thereafter,  
8 manufacturers of computers, computer monitors, printers,  
9 televisions, electronic keyboards, facsimile machines,  
10 videocassette recorders, portable digital music players,  
11 digital video disc players, video game consoles, electronic  
12 mice, scanners, digital converter boxes, cable receivers,  
13 satellite receivers, digital video disc recorders, or  
14 small-scale servers shall submit to the Agency, in the form and  
15 manner required by the Agency, a report that contains the total  
16 weight of the aforementioned electronic devices sold under each  
17 of the manufacturer's brands to individuals in this State as  
18 calculated under subsection (c) and (c-5) of Section 15, as  
19 applicable. Each manufacturer shall indicate on the report  
20 whether the total weight of the aforementioned electronic  
21 devices was derived from its own sales records or national  
22 sales data. If a manufacturer's weight for aforementioned  
23 electronic devices is derived from national sales data, the  
24 manufacturer shall indicate the source of the sales data.

25 (i) (Blank).

26 (j) (Blank).



1 (k) (Blank).

2 (l) On or before January 31, 2013 and on or before every  
3 January 31 thereafter, manufacturers of computers, computer  
4 monitors, printers, televisions, electronic keyboards,  
5 facsimile machines, videocassette recorders, portable digital  
6 music players, digital video disc players, video game consoles,  
7 electronic mice, scanners, digital converter boxes, cable  
8 receivers, satellite receivers, digital video disc recorders,  
9 and small-scale servers shall submit to the Agency, on forms  
10 and in a format prescribed by the Agency, a report that  
11 contains all of the following information for the previous  
12 program year:

13 (1) The total weight of computers, the total weight of  
14 computer monitors, the total weight of printers, facsimile  
15 machines, and scanners, the total weight of televisions,  
16 the total weight of the remaining CEDs, and the total  
17 weight of EEDs recycled or processed for reuse.

18 (2) The identification of all weights that are adjusted  
19 under subsection (d) of this Section. For all weights  
20 adjusted under item (2) of subsection (d), the manufacturer  
21 must include copies of the written confirmation required  
22 under that subsection.

23 (3) A list of each recycler, refurbisher, and collector  
24 used by the manufacturer to fulfill the manufacturer's  
25 individual recycling and reuse goal set forth in  
26 subsections (c) and (c-5) of Section 15 of this Act.

1           (4) A summary of the manufacturer's consumer education  
2           program required under subsection (m) of this Section.

3           (m) Manufacturers must develop and maintain a consumer  
4           education program that complements and corresponds to the  
5           primary retailer-driven campaign required under Section 40 of  
6           this Act. The education program shall promote the recycling of  
7           electronic products and proper end-of-life management of the  
8           products by consumers.

9           (n) Beginning January 1, 2012, no manufacturer may sell a  
10          computer, computer monitor, printer, television, electronic  
11          keyboard, facsimile machine, videocassette recorder, portable  
12          digital music player, digital video disc player, video game  
13          console, electronic mouse, scanner, digital converter box,  
14          cable receiver, satellite receiver, digital video disc  
15          recorder, or small-scale server in this State unless the  
16          manufacturer is registered with the State as required under  
17          this Act, has paid the required registration fee, and is  
18          otherwise in compliance with the provisions of this Act.

19          (o) Beginning January 1, 2012, no manufacturer may sell a  
20          computer, computer monitor, printer, television, electronic  
21          keyboard, facsimile machine, videocassette recorder, portable  
22          digital music player, digital video disc player, video game  
23          console, electronic mouse, scanner, digital converter box,  
24          cable receiver, satellite receiver, digital video disc  
25          recorder, or small-scale server in this State unless the  
26          manufacturer's brand name is permanently affixed to, and is

1 readily visible on, the computer, computer monitor, printer, or  
2 television.

3 (Source: P.A. 97-287, eff. 8-10-11; 98-714, eff. 7-16-14.)

4 (415 ILCS 150/57 new)

5 Sec. 57. Collection fee. Notwithstanding any other  
6 provision of this Act, any electronic device for which a  
7 collector charged a fee may not be sold to or used by a  
8 manufacturer to satisfy its recycling obligation under the Act.  
9 Collectors may charge a fee for premium services such as  
10 curbside collection, home pick-up, or a similar method of  
11 collection.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.".